THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:27-01-2006

WRIT PETITION No. 7405 OF 2005

BETWEEN:

Dr.K.Kamala.

…Petitioner

And

The Government of India, Ministry of Health and Family Welfare, Department of Health, Nirman Bhavan, New Delhi, rep.by its Secretary and others.

…Respondents

ORDER:

The writ petition is filed to issue a writ of mandamus, declaring the action of the second respondent in issuing the proceedings in Ref.No.34(c)/2004/MED/19584, dated 1-11-2004 as arbitrary, illegal and without jurisdiction and consequently set aside the said

proceedings.

Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondents.

It is not in dispute that the matter is squarely covered by the Judgment of the Division Bench of this Court in W.A.No.2107 of 2004 and batch, dated 5-4-2005.

Following the said Judgment, I set aside the impugned order. However in view of the serious allegations made in the impugned order, it is made clear that it is open for the respondents to initiate appropriate enquiry as indicated in the above writ appeal into the conduct of the petitioner in accordance with law and take appropriate decision depending upon the enquiry report. The respondents are at liberty to initiate enquiry in accordance with law and take appropriate action as expeditiously as possible.

The Writ Petition is accordingly allowed as indicated above in terms of the Judgment in W.A.No.2107 of 2004 and batch. No costs.

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V.ESWARAIAH,J

Date: 27-01-2006.

Shr.